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Thoughts on taking the lid off

--Many people are reported to have seriously considered resigning from their government careers over the last several years: over issues of torture, planning for nuclear weapons in Iran, the rendition program, illegal warrantless wiretaps. Did anyone actually do this, short of retirement? A major disincentive, aside from career, income and pension considerations, is the thought that this will do nothing to change policy. Even the most authoritative of them are likely to have even less effect on actual policy from outside than they may yet have, they tell themselves, on these issues or others if they stay in. And that's true: unless they buttress their charges with evidence, with documents, lots of them. But revealing these—"stealing" them, it will be said, possibly even in court—risks prosecution and prison. So far only one person has ever gone to prison for a leak of a document (Samuel Loring Morrison, in 1987) but the risk is probably higher at this time than it ever was in the past, especially if the revelation is on a scale that is likely necessary to compel hearings and make a major difference. The scale, that is, of the Pentagon Papers (which led to the first criminal prosecution ever in the U.S. for an unauthorized disclosure).

The NSC-5: Roger Morris, Tony Lake, Bill Watts, Larry Lynn resigned from the NSC staff over the Cambodian invasion, along with Morton Halperin, who had recently left the staff and become a consultant: the only officials to resign over policy during the Vietnam War. But they called no press conference, issued no public statement explaining their motives—they had agreed to answer questions from reporters, but they got no inquiries!—and they took no documents with them. Yet all of them, except for Halperin, had been involved in the Duck Hook planning in the “October group” in 1969 that underlay Nixon’s “November ultimatum,” which had threatened North Vietnam not only with massive conventional escalation but with nuclear weapons. They were, in the fall, under two illusions: that Kissinger was a moderating force on Nixon; and that, with their own objections to these plans and Kissinger’s, the plans and threat had been discarded. Morris, at least, understood with the invasion of Cambodia that the plans were in process of being implemented sequentially, which was why he led the way in resigning. But he had a lot to tell the public and Congress about what might lie ahead. He didn’t do it; instead, he went to work for Senator Mondale as a presidential candidate, while Lake worked for Muskie. But the election, at best, lay two years in the future, while the foreseeable invasion of Laos and renewed bombing of North Vietnam was just one year away. Morris was the first to reveal the nuclear threats of the fall of 1969 (which were renewed in 1972); but he didn’t do this until 1974, after Nixon had resigned. (I was looking for just such confirmation in 1970 and in 1972, urging Lake to consider revealing what he knew, though I didn’t know then of the actual plans. He apparently gave some thought to telling me, but rejected it.) The actual contribution of

the four conscientious officials who left the NSC to limiting or shortening the war was imperceptible.


Ask Morris: Why didn't they do more? (One major reason: they didn't want to embarrass Kissinger, or reduce what they mistakenly thought was his moderating influence on the president). Does he wish he had? What? (Did they even tell Mondale and Muskie—or McGovern—what they knew?)




One can consider three categories of classified secrets. The first, which rationalizes and legitimizes the entire secrecy system, is information that needs to be kept secret from enemies, or kept secret in the interests of alliance relationships or negotiations, much more than it is needed to be known by the American public or Congress. This is by far the smallest category of information that is actually subject to classification markings and handling. William Florence, a top Pentagon specialist in classification regulations and management, testified to Congress and in our trial, that it actually described about 2% of the documents bearing classification stamps at the time they were written. For documents from six months to a few years old—the overwhelming majority of classified documents—he estimated that this characterization was still valid for about one-half of one percent.

Examples of properly-kept secrets:...


Consider the Pentagon Papers, as not falling within this category (by 1969-71) ((Note how much of this, in the way of plans, proposals, thrust, was well understood by our enemies at the time—partly from secret threats!—while withheld from our public)).




The largest category of classified documents consists of administrative and staff documents that are of no perceptible interest to anyone outside the bureaucracy, neither to public policy debate, Congress, or to foreign governments. How these come to be stamped secret at all is another story, but it is this category that leads to universal agreement that “there is over-classification” and which is drawn on for absurd examples like luncheon menus that are classified. There have been official estimates that “as much as 50%” of information currently protected in safes “doesn’t need to be secret at all.”




Such estimates are very low; considering information more than a year old, something like 80% would be closer, or even much higher than that. But this situation is not “the problem” with the secrecy system, though it is often mentioned as if it were. The real problem—the danger both to our security and our democracy—is in the third category: information that the public and Congress does need to know, to a degree that far outweighs its possible interest to an adversary (though this may not be zero), and which is wrongly withheld from public knowledge. This might be ten to twenty percent of classified information: very much greater than the amount of information that is necessarily withheld from the public for genuine national security reasons, much less than information withheld whose absence from public awareness is of little or no significance.




A billion pages is a very conservative figure for the amount of classified information. Ten percent of that would be one hundred million pages that ought to be available to the general public and is not. “Ought” not in the sense that public access would simply do no harm to national security—that might apply to over 980 million pages—but in the sense that significant parts of the public and of members of Congress need that information, more or less urgently, to fulfill their roles in a democracy. Some of this 10% could be of interest to an enemy, and could potentially even be used in some circumstances to our harm—as is true of much of what is available in the Congressional Record and inside our newspapers, along with many books—but whose benefits, if known publicly, to the health of our political system, to public and Congressional influence on our policies and programs and to our choice of political leadership, greatly outweigh the benefits to our external security of secrecy.



Little is guarded more tenaciously within the executive bureaucracy than information that would reveal deception of the public and Congress (or of superiors, or rival agencies) on the risks or prospective costs of reckless policies, or the existence of internal controversy about policies advanced by departments or the president, or evidence of illegalities, errors of judgment, incompetence, waste or corruption: anything that might give rivals or voters or Congressional oversight committees a basis for blame, criticism or accountability. Within the national security bureaucracy, under the excuse of a general need for secrecy from foreign eyes, such information—which is the lifeblood of a system of democratic accountability and popular sovereignty—is almost certain to be classified and handled particularly closely as “sensitive,” primarily or entirely to keep it from domestic audiences. That secrecy is pervasive and successful enough that the life-signs of democratic control of foreign and military policy are, in fact, very faint. A result is not only massive misallocation of national resources, but disasters like Vietnam and Iraq.



From early 1964 to mid-1965, nothing inside the government was more important than averting the Vietnam War: discouraging or preventing a US invasion of South Vietnam and an air assault on North Vietnam. From September 12, 2001 to March 19, 2003, for the great many who knew of the planning against Iraq and knew the likely disastrous effect of the invasion on the struggle against terrorism, nothing was more important than averting the invasion of Iraq. There were hundreds, perhaps more than a thousand officials, civilian and military, who looked on the work being pressed around them, even what they themselves were doing under orders, with dread. The question is, what did they do about that? What might they have done, perhaps should, that they did not?



At the present time, nothing is more important than averting a US/Israeli air attack on Iran.

In each of these cases, I am saying, anyone in the national security bureaucracy who saw the future in this way, but gave higher priority to some other task or objective but these—that is, to a close approximation, everyone—was doing less for the country and for national security than they could have done. Their priorities—then and in future—deserve to be reexamined skeptically.

See my account of my own role and knowledge in the first period, in draft #1 and Secrets.


Consider what could have been done, at a higher level, by Ball, Humphrey, et al: the Silence of the Doves.

What did Richard Clarke, specifically, do? See his account of his awareness, his “sick feeling,” that the highest officials were going to use 9-11 to attack Iraq... Like corresponding officials before Vietnam, he knew by the very craziness of the plan and by the extreme secrecy being attached to it that its advocates saw it as vulnerable to public exposure. But neither he, nor anyone else of like mind, provided that public exposure.

He was in this position even earlier, with respect to his primary responsibility, protecting the country against terrorist attack. On the basis of unprecedented warning indications, he felt sure in the late spring of 2001 that such an attack was imminent; and he knew, with unique clarity in the system, that the administration was not responding with a sense of urgency to this prospect, was in fact doing virtually nothing to forestall it. He was so discouraged by his inability to get past Condi Rice to brief the “principals”—the secretaries of defense and state, ...--or better, the president, to convey the seriousness of the situation, that he finally decided...to get out of the counter-terrorism business, his role in four administrations! Precisely in the midst of this crisis, as he saw it, he applied to shift to a new position on cybersecurity.

What he did not do was to take his warnings, in any form, outside the executive branch, either to Congress or the public. All his prior experience, dealing with the most highly guarded secrets in the government (and for once, properly so), inclined him against even considering such a course. He could not, of course, reveal the exact contents or the sources of his concern to the press or public, but to members or staff of the intelligence

oversight committees, or the President's Foreign Intelligence Advisory Board—all with clearances and experience in dealing with sensitive material—he could have revealed the inability even of George Tenet, Director of Central Intelligence, to awaken the president in his daily briefings to the urgency of the situation and evoke a government-wide response.



When Clarke ended his famous apology to the families and survivors of 9-11 with the unprecedented words, for an official, “I failed you,” it is not clear what he was referring to. Certainly, as he said, the government as a whole had failed to protect them, and he had been part of that; yet by his own account and those of others, he would seem to have done everything he possibly could. Everything but this: to go outside channels, to alert those outside the White House and even the Executive Branch who might be able to compel the president's attention and even response. That was not his job? But what, then, was his job, as a citizen and a responsible official? Clarke seems just the sort of person capable of seeing those responsibilities more broadly than he had, if this had been suggested to him. In truth, he did fail those families. This was his failure: not to conceive of making unauthorized disclosures in this case, and not to do it. As I failed, at so many points, and so many others have.

A real problem for Clarke, in this particular case, would have been the risk not merely to his White House relationship and his career but to the possible loss of important intelligence sources on Al Qaeda if he had needed to buttress his credibility by revealing pieces of intelligence to some who might, inadvertently or foolishly reveal it to

the public and thus to Al Qaeda. No one would have been expert than Clarke at how to try to avoid that, but it would have been a real challenge even for him. That was not true of the next vital secret he became privy to, which defined a new crisis for the nation: the obsession of the president, Rumsfeld and Cheney with an attack on Iraq...

Why are disclosures mostly made too late?

If you have never sought press contact before, all your training, your reflexes, your calculations slow you up, incline you to delay, postpone, explore other alternatives first. This is true even after you have overcome the initial thoughts that this would be wrong, disloyal, or have accepted, in principle, the prospect of risking your job. You still don't rush to change your habits and your whole way of life. Thoughts that it will make no difference—which have the more reality, the less you consider making the large disclosures that would be likely to identify you as the source—are inhibiting. Early retirement, still months or years away, may beckon. Almost surely, no one—not even a journalist—is encouraging you to do this; you can discuss it with no colleague, even one who shares your views. It would be their duty to report your thoughts; a friend might well not do this, yet you would have put them at risk for not acting to stop you. Your inclination, if you do start on the path of disclosure, is to give out hints, general and vague, enough for your listeners—a journalist, an audience—to “pick up on, follow up, investigate” if they are really concerned: but that you can defend to investigators as “not really disclosing classified information.” Eventually, on this issue or a later one, you recognize that none of this has gotten the story out, that it's up to you to go further if the public is to be warned. See the discussion by Jim Thomson of the eighteen months or so it took for him to publish, “How Could Vietnam Happen?”, an account of the decision-making process sufficiently revealing as to earn him the lasting enmity of his former bosses, William and McGeorge Bundy.

My hope, in this article and others, is to speed up this process.